REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 24, 2008. Upon entry of this response, claims 1-6, 8-15, and 17-20 are pending in the application. In this response, no claims have been amended, cancelled, or added. Applicant respectfully requests that the amendments being filed herewith be entered and requests that there be reconsideration of all pending claims.

I. Examiner Interview Summary

Applicant expresses his sincere appreciation for the time that Examiner Smith spent with Applicant's Attorney, Cynthia L. Davis, during a telephone discussion about the outstanding Office Action on March 5, 2008. The parties discussed the rejection of claims 1, 8, and 9 under the *Parker, Liljestrand* and *Marsh* references. Applicant respectfully pointed out that *Marsh* and *Liljestrand* do not disclose at least one configuration change **affecting handling of service requests in a more efficient manner**, as is recited in claim 1, **adjusting at least one wait time statistic added to at least one statistic of a service request in a queue**, as is recited in claim 8, and **adjusting a grouping of human service agents into at least one workforce**, as is recited in claim 9. The Examiner indicated that a further review of the cited references is needed to confirm Applicant's assertion, and suggested that Applicant submit a response making these arguments.

II.   Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 2, 5, 6, 8-11, 14, 15, and 17-20 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parker ("*Parker*", U.S. Patent Pub. No. 2005/0131748) in view of Marsh ("*Marsh*", U.S. Patent Pub. No. 2002/0159439) or Liljestrand ("*Liljestrand*", U.S. Patent Pub. No. 2001/0038689). Claims 4 and 13 have been rejected as being allegedly unpatentable over Parker ("*Parker*", U.S. Patent Pub. No. 2005/0131748) in view of Marsh ("*Marsh*", U.S. Patent Pub.

No. 2002/0159439) or Liljestrand ("*Liljestrand*", U.S. Patent Pub. No. 2001/0038689) further in view of Forbes ("*Forbes*", U.S. Patent No. 6,996,076). Claims 3 and 12 have been rejected as being allegedly unpatentable over Parker ("*Parker*", U.S. Patent Pub. No. 2005/0131748) in view of Marsh ("*Marsh*", U.S. Patent Pub. No. 2002/0159439) or Liljestrand ("*Liljestrand*", U.S. Patent Pub. No. 2001/0038689) further in view of Booton ("*Booton*", U.S. Patent No. 5,991,390). Applicant traverses these rejections, and respectfully requests that the rejections of the claims be withdrawn.

To establish a prima facie case of obviousness, the cited references when combined must teach or suggest all the claim features. Applicant submits that a prima facie case of obviousness is not established using the art of record.

Independent Claim 1

Claim 1 recites, "at least one configuration change ***affecting handling of service requests in a more efficient manner***." The Office Action admits on page 2 that this feature is not present in *Parker*, but alleges on pages 2-3 that softswitches that are automatically configurable are taught in either *Marsh* or *Liljestrand*. However, even assuming, *arguendo*, that *Marsh* discloses that "the softswitch architecture helps facilitate the implementation of multiple call models that can be downloaded on demand as services are required" in paragraph 12, there is no teaching, disclosure, or suggestion in *Marsh* of at least one configuration change ***affecting handling of service requests in a more efficient manner***, as is recited in claim 1. Further, even assuming, *arguendo*, that *Liljestrand* discloses a softswitch that, if there is a change in configuration, can automatically reconfigure a programmable network interface in paragraph 47, there is no teaching, disclosure, or suggestion in *Liljestrand* of at least one configuration change ***affecting handling of service requests in a more efficient manner***, as is recited in claim 1. Therefore, for at least this reason, Applicant submits that claim 1 is allowable over the combination of *Parker*, *Marsh*, and *Liljestrand*, and respectfully requests that the rejection of the claim be withdrawn.

Because independent claim 1 is allowable over the combination of *Parker*, *Marsh*, and

Liljestrand, dependent claims 2, 5-6, 8, and 9 are allowable as a matter of law for at least the

reason that the dependent claims 2, 5-6, 8, and 9 contain all elements of their respective base

claim. See, e.g., In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

Dependent Claims 3, 4, 8 and 9

As is identified above in reference to independent claim 1, the combination of *Parker*,

Marsh, and *Liljestrand* does not teach at least one configuration change **affecting handling of**

service requests in a more efficient manner. In that *Booton* does not remedy this deficiency of

the combination of *Parker*, *Marsh*, and *Liljestrand*, Applicant respectfully submits that claim 3,

which depends from claim 1, is allowable over the cited references for at least the same reasons

that claim 1 is allowable over the combination of *Parker*, *Marsh*, and *Liljestrand*. Also, in that

Forbes does not remedy this deficiency of the combination of *Parker*, *Marsh*, and *Liljestrand*,

Applicant respectfully submits that claim 4, which depends from claim 1, is allowable over the cited

references for at least the same reasons that claim 1 is allowable over the combination of *Parker*,

Marsh, and *Liljestrand.*

Claim 8 recites, "the at least one configuration change adjusts at least one wait time

statistic added to at least one statistic of a service request in a queue." The Office Action

alleges on page 3 that *Marsh*, paragraphs 12 and 61, discloses "the softswitch architecture can

help facilitate the implementation of 'multiple call models' that are downloadable on demand.

Multiple call models can include an unlimited possibility of models that anyone might need,

including but not limited to work time statistics..." In accordance with In re Robertson , 169 F.3d

743, 745, 49 U.S.P.Q.2d (BNA) 1949, 1950-51 (Fed. Cir. 1999), Applicant traverses these

findings as being inadequate to show why the claimed features are necessarily present in the

reference. Consequently, because of the lack of extrinsic evidence required under In re

Robertson, the statements in the Office Action are merely conclusory and not adequately

supported, and the rejection of claim 8 is improper. Therefore, Applicant submits that claim 8 is

allowable over the cited references, and requests that the rejection of the claim be withdrawn.

Claim 9 recites, "the at least one configuration change adjusts a grouping of human service

agents into at least one workforce." The Office Action alleges on page 3 that *Marsh*, paragraphs

12 and 61, discloses "the softswitch architecture can help facilitate the implementation of

'multiple call models' that are downloadable on demand. Multiple call models can include an

unlimited possibility of models that anyone might need, including but not limited to...grouping of

human service agents." In accordance with In re Robertson , 169 F.3d 743, 745, 49 U.S.P.Q.2d

(BNA) 1949, 1950-51 (Fed. Cir. 1999), Applicant traverses these findings as being inadequate

to show why the claimed features are necessarily present in the reference. Consequently,

because of the lack of extrinsic evidence required under In re Robertson, the statements in the

Office Action are merely conclusory and not adequately supported, and the rejection of claim 9

is improper. Therefore, Applicant submits that claim 9 is allowable over the cited references,

and requests that the rejection of the claim be withdrawn.

Independent Claim 10

Claim 10 recites, "at least one configuration change of the at least one softswitch *to*

more efficiently handle service requests." The Office Action admits on page 2 that this

feature is not present in *Parker*, but alleges on pages 2-3 that softswitches that are

automatically configurable are taught in either *Marsh* or *Liljestrand*. However, even assuming,

arguendo, that *Marsh* discloses that "the softswitch architecture helps facilitate the

implementation of multiple call models that can be downloaded on demand as services are

required" in paragraph 12, there is no teaching, disclosure, or suggestion in *Marsh* of at least

one configuration change of the at least one softswitch *to more efficiently handle service*

requests, as is recited in claim 10. Further, even assuming, *arguendo*, that *Liljestrand*

discloses a softswitch that, if there is a change in configuration, can automatically reconfigure a

programmable network interface in paragraph 47, there is no teaching, disclosure, or suggestion in *Liljestrand* of at least one configuration change of the at least one softswitch ***to more efficiently handle service requests***, as is recited in claim 10. Therefore, for at least this reason, Applicant submits that claim 10 is allowable over the combination of *Parker*, *Marsh*, and *Liljestrand*, and respectfully requests that the rejection of the claim be withdrawn.

Because independent claim 10 is allowable over the combination of *Parker*, *Marsh*, and *Liljestrand*, dependent claims 11-15 and 17-18 are allowable as a matter of law for at least the reason that the dependent claims 11-15 and 17-18 contain all elements of their respective base claim. See, e.g., In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

Dependent Claims 12, 13, 17 and 18

As is identified above in reference to independent claim 10, the combination of *Parker*, *Marsh*, and *Liljestrand* does not teach at least one configuration change of the at least one softswitch ***to more efficiently handle service requests***. In that *Booton* does not remedy this deficiency of the combination of *Parker*, *Marsh*, and *Liljestrand*, Applicant respectfully submits that claim 12, which depends from claim 10, is allowable over the cited references for at least the same reasons that claim 10 is allowable over the combination of *Parker*, *Marsh*, and *Liljestrand.* Also, in that *Forbes* does not remedy this deficiency of the combination of *Parker*, *Marsh*, and *Liljestrand*, Applicant respectfully submits that claim 13, which depends from claim 10, is allowable over the cited references for at least the same reasons that claim 10 is allowable over the combination of *Parker*, *Marsh*, and *Liljestrand.*

Claim 17 recites, "the at least one configuration change adjusts at least one wait time statistic added to at least one statistic of a service request in a queue." The Office Action alleges on page 3 that *Marsh*, paragraphs 12 and 61, discloses "the softswitch architecture can help facilitate the implementation of 'multiple call models' that are downloadable on demand. Multiple call models can include an unlimited possibility of models that anyone might need,

including but not limited to work time statistics..." In accordance with In re Robertson , 169 F.3d

743, 745, 49 U.S.P.Q.2d (BNA) 1949, 1950-51 (Fed. Cir. 1999), Applicant traverses these

findings as being inadequate to show why the claimed features are necessarily present in the

reference. Consequently, because of the lack of extrinsic evidence required under In re

Robertson, the statements in the Office Action are merely conclusory and not adequately

supported, and the rejection of claim 17 is improper. Therefore, Applicant submits that claim 17

is allowable over the cited references, and requests that the rejection of the claim be withdrawn.

Claim 18 recites, "the at least one configuration change adjusts a grouping of human

service agents into at least one workforce." The Office Action alleges on page 3 that *Marsh*,

paragraphs 12 and 61, discloses "the softswitch architecture can help facilitate the

implementation of 'multiple call models' that are downloadable on demand. Multiple call models

can include an unlimited possibility of models that anyone might need, including but not limited

to...grouping of human service agents." In accordance with In re Robertson , 169 F.3d 743,

745, 49 U.S.P.Q.2d (BNA) 1949, 1950-51 (Fed. Cir. 1999), Applicant traverses these findings as

being inadequate to show why the claimed features are necessarily present in the reference.

Consequently, because of the lack of extrinsic evidence required under In re Robertson, the

statements in the Office Action are merely conclusory and not adequately supported, and the

rejection of claim 18 is improper. Therefore, Applicant submits that claim 18 is allowable over

the cited references, and requests that the rejection of the claim be withdrawn.

Independent Claim 19

Claim 19 recites, "at least one configuration change of the at least one softswitch *to*

more efficiently handle service requests." The Office Action admits on page 2 that this

feature is not present in *Parker*, but alleges on pages 2-3 that softswitches that are

automatically configurable are taught in either *Marsh* or *Liljestrand*. However, even assuming,

arguendo, that *Marsh* discloses that "the softswitch architecture helps facilitate the

implementation of multiple call models that can be downloaded on demand as services are required" in paragraph 12, there is no teaching, disclosure, or suggestion in *Marsh* of at least one configuration change of the at least one softswitch **to more efficiently handle service requests**, as is recited in claim 19. Further, even assuming, *arguendo*, that *Liljestrand* discloses a softswitch that, if there is a change in configuration, can automatically reconfigure a programmable network interface in paragraph 47, there is no teaching, disclosure, or suggestion in *Liljestrand* of at least one configuration change of the at least one softswitch **to more efficiently handle service requests**, as is recited in claim 19. Therefore, for at least this reason, Applicant submits that claim 19 is allowable over the combination of *Parker*, *Marsh*, and *Liljestrand*, and respectfully requests that the rejection of the claim be withdrawn.

Because independent claim 19 is allowable over the combination of *Parker*, *Marsh*, and *Liljestrand*, dependent claim 20 is allowable as a matter of law for at least the reason that the dependent claim 20 contains all elements of its respective base claim. See, e.g., In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

<u>CONCLUSION</u>

Applicant respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-6, 8-15, and 17-20 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicant' response, the Examiner is encouraged to telephone Applicant' undersigned counsel.

Respectfully submitted,

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